

STEPHENSON ON STAND

Wisconsin Senator Does Not Know How His \$107,793 Was Spent.

TRUSTED HIS MANAGERS

Directed Them to Keep Within the Law, He Tells Investigating Committee.

Milwaukee, Oct. 2.—On the witness stand before the Senate investigating committee for three hours, to answer charges that bribery and corrupt use of money had contributed to his election, United States Senator Isaac Stephenson testified to-day that, although he spent \$107,793 in his campaign, he had little knowledge as to just how it was spent, except that it was not used in violation of the law. The details, he said, he had left to his campaign managers. As an instance of his ignorance of just where the money went, he cited an item of \$11,000 for postage.

"Now," said Senator Stephenson, "I am president of more than a dozen active inquiries in this state, and I have in my employ more than three thousand men, some of whom have been with me for fifty years. In them I have every confidence. I do not pay any attention to the details of these industries. Just so, when my campaign for nomination by the primaries in 1908 came up, I could not lay awake nights trying to figure how the postage was used. I gave sums of money to my managers and they went to carry on a vigorous campaign, and do everything to elect me, except that they must keep within the law. I cautioned them not to violate the law in any particular. So far as I know, they obeyed me."

Told It Was a Close Fight.

Citing proportionately large expenses for advertising, buttons, lithographs, advertising in newspapers and traveling expenses, the witness testified that he frequently asked where so much money was going, but on being told it was a close fight and that the state had to be systematically canvassed to elect him, he questioned the matter no further.

Two points as showing the position of the "defense" in the inquiry, which is being conducted by a sub-committee of the Senate Committee on Privileges and Elections, were made known by Charles E. Littlefield, counsel for Mr. Stephenson. One was that the committee had no authority to investigate the primary campaign of 1908, at which Mr. Stephenson was nominated, but must confine itself to asking whether the Senator actually expended money for his election by the state Legislature in 1909. He asserted that all the money was spent in the nomination, and not a dollar went to the election. Another declaration was that Mr. Stephenson was elected by the Legislature, when both houses voted separately on January 28, 1909, and that the subsequent election by the Legislature jointly, on March 4, 1909, when three Democratic members absented themselves and so gave Mr. Stephenson a majority, was not necessary. The committee announced that at present it would not confine itself to any of the limitations thus set forth.

Continuing his testimony, Mr. Stephenson said he had given money for campaign purposes to men who afterward became candidates for the Legislature and some of them were elected, but he was not aware of their candidacy when he gave them money.

Money to Legislative Candidates.

"I paid \$250 to L. H. Bancroft for getting names of people to whom to send campaign literature," he said. "He afterward was elected to the Legislature and was elected, but I did not know of his candidacy. I took little interest in the primaries, leaving it to my managers. I understand a sum of money was paid to C. C. Wellensgard, who afterward was elected to the Assembly, but this money was paid him without my knowledge. My managers were E. A. Edmonds, of Appleton; J. H. Puelcher, of Milwaukee, and J. A. Van Cleave, of Marinette."

The record shows that you paid out to your managers one day \$10,000 and a short time afterward gave them \$5,000 more," said Senator W. B. Heyburn, chairman. "Didn't you ever ask them what they were doing with all that money?"

"No, only in a general way."

"In October, 1908, more than a month after the primaries, you gave Puelcher several thousand dollars. Didn't you inquire as to what he wanted it for?"

"No. I suppose it was for some bill. They did not always present bills promptly. In the same way I gave J. Earl Morgan, my son-in-law, \$2,500 for campaign expenses."

"Did you pay three Democratic members or any one for absenting themselves from the Legislature on March 4, 1909, so that you could have a majority?"

"No. I never knew of any member having absented himself, except as I read it in the newspapers."

Cash for Game Wardens.

E. A. Edmonds testified he knew of no money having been illegally used in Mr. Stephenson's election. The bill for advertising, he said, amounted to \$10,000. A check for \$2,500 had been paid to the State Game Warden, J. W. Stone, on Mr. Stephenson's instructions he declared, but he did not know to what use the money was put.

In previous legislative investigations it was brought out that Stone distributed money to deputy wardens.

The committee will resume its hearings tomorrow, when more of Senator Stephenson's campaign workers will be examined.

The charges against Senator Stephenson are:

That he kept secret many of his disbursements in the primary campaign for nomination in 1908; that, whereas he admitted having expended \$111,385, his campaign managers accounted for only \$207,793 and that a large part of his fund was improperly used.

That fraud connected with his primary campaign contributed directly to his election.

That he distributed money to state officials to further his campaign.

That he spent money in legislative districts to strengthen his support in the Legislature.

That he was elected only after a two-months' deadlock, and then only after three Democratic Assemblymen—Thomas F. Ramsey, now dead; John T. Farrell and Elias A. Towne—absented themselves and so insured his election.

ESCAPED TRIAL FOR LYNCHING

First Defendant in Coatesville Burning Case Freed by Jury.

West Chester, Penn., Oct. 2.—On the ground that the Commonwealth had not sufficient evidence to convict, the first defendant to be placed on trial for murder in connection with the burning to death by a mob of Zack Walker, a negro, in Coatesville, on August 13 last, was ordered acquitted by Judge Hemphill in the Chester County court to-day. The defendant was Chester Bostick, of Marietta, Penn., sixteen years old. After Bostick had been arraigned District Attorney Gawthorn interrogated the court that he had not sufficient evidence, and asked that instructions be given the jury to acquit.

Immediately after the release of Bostick, Joseph Schwartz, who is charged with murder in connection with the lynching, was called for trial and pleaded not guilty. The work of securing a jury was then begun.

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URGES U. S. HEALTH BOARD

Wiley Says Head of It Should Have "Sand in Claw."

In advocating the proposed national board of health Dr. Harvey W. Wiley, the government's pure food expert, said yesterday at the Pure Food and Drug Department convention of the National Civic Federation that if a man "with sand in his claw" were placed at the head of the board he would enforce the laws so that the health of every one in the community would be safeguarded. "But, he's got to have the sand," said Dr. Wiley.

In another part of his talk he spoke of the advance of the science of determining the effect drugs have on the body.

"Physical fitness," continued Dr. Wiley, "is the first essential of any great project. Read the military history of the Spanish-American War. It is a sad one. Then compare it with the history of our present army in Texas, where at present practically every man answers, instead of being accounted for in the hospital. The Panama Canal excites admiration for the engineers, the large engines and American enterprise, but it was none of these that made the canal possible. It was the efficient medical staff which evolved the grand sanitation law."

Seth Low, president of the federation, presided. Some of the other speakers besides Dr. Wiley were: Louis P. Brown, president of the Association of State and National Food and Dairy Departments, a member of the Tennessee Food Commission; George S. Flanders, a member of the New York State Food Commission; Dr. Thomas Darlington, former Health Commissioner of New York City; W. C. Creed, counsel for the National Wholesale Grocers' Association; Timothy Healy, president of the International Brotherhood of Stationary Firemen; Dr. E. Elliott, president of the American Association of Legislators and Ethical of the American Medical Association; John Golden, president of the Textile Workers of America; Harry L. Thompson, of the Toledo bar; Donald McKesson, of McKesson & Robbins; and Hugh Fox, president of the United Brewers' Association.

1915 N. Y. U. FORCES DRAW

Hold Porch Against "Soph's," but Later Lose Heavyweight Trial.

The shadows of the grim, gray Fallades had just fallen over the campus at New York University last night when sixty stalwart representatives of the class of 1915 took possession of the porch of historic Butler Hall. Custom had ordained that they should assemble at this place at the hour appointed in order that a test might be made of their physical prowess and courage. The test, in the shape of eighty sophomores, was not long in making its appearance.

Hundreds of the alumni of the university and the residents at University Heights occupied the knoll to the south, where they could get a full view of the fun when it started. It was not long in starting after the sophomores had surveyed the heights they were to storm, and their leaders had held a few whispered conferences.

In an instant the old porch was the scene of a merry scramble. First one and then another would come tumbling down to the green below, and then, after regaining his feet, would go back into the conflict. For fifteen minutes the battle raged, and then a stately senior blew the trumpet, which halted the carnage.

The official census takers then made their way over the porch and took count of those "freshies" who had weathered the storm. The count revealed that half the freshman class had held their ground, and the affair was pronounced a draw.

Both classes then adjourned to Ohio Field, where the wrestling bouts took place. In these the entering class made a fine showing, winning all but the heavyweight contest. The winners in the various bouts and the time follow:

Heavyweight, John Rothstein, 14, 2 minutes 20 seconds; middleweight, John Sulzer, 13, 29 seconds; lightweight, William Wolf, 13, 16 seconds.

SUES HER AUNT'S LEGATEE

Action Recalls Disbarred Lawyer's Lunacy Proceedings.

Papers in an action to construe a clause in a will already admitted to probate were filed yesterday in the office of the County Clerk. The plaintiff was Ida Reinhardt, niece of Mrs. Louisa Kienner, the testator, and the defendant Ferdinand F. Steinbach, chief legatee under the instrument. Behind the suit lies a story of intrigue fit for a novel, according to Thomas C. Larkin, attorney for the plaintiff.

Mrs. Reinhardt, so Larkin's story ran, was finding some trouble taking care of her aunt, Mrs. Louisa Kienner, widow of a German immigrant, when Henry W. Leonard, later disbarred from the New York bar on the charge of having forged his New Jersey certificate, suggested that she be sent to an insane asylum. Four months after she had been committed, Larkin said yesterday, the hospital authorities informed Leonard that she was well enough to be removed.

Instead of informing her niece, Leonard sent Steinbach to the hospital with a writ of habeas corpus, and Mrs. Kienner was paroled in his custody. On August 28, 1909, the final order discharging her from the institution was issued, and four days later Mrs. Kienner made a will, giving to Steinbach the income from her estate for life and providing that he might distribute it among those who had been instrumental in getting her out of the asylum. It was said that Leonard drew the will.

Leonard died about two months ago, Larkin said, but Steinbach had filed the will in Brooklyn, and it had been probated. Larkin maintained that the clause leaving the life estate to Steinbach created a trust and was invalid on the ground that the beneficiaries under it were indefinite.

ROCK DERAILS EXPRESS TRAIN

Locomotive and Two Cars Leave Tracks—No Person Injured.

Becket, Mass., Oct. 2.—Express train No. 26, on the Boston & Albany Railroad, bound from Albany for Boston, was wrecked by a rock slide early to-day at a point one mile east of Middlefield, a small station five miles east of Becket. The locomotive and two cars were derailed, but no person was injured.

The morning was dark and the engineer of the express did not observe a rock which had fallen on the eastbound passenger track. The rock was thrown by the locomotive against a ledge, from which a mass of rock, weighing about twenty tons, was dislodged the slide crashing into the engine and trucks of the express and combination cars.

The slide blocked the westbound track also for a time. The Twentieth Century Limited, eastward bound, was stranded by way of the North Adams branch from Boston & Maine line to Springfield.

WISE TO ADDRESS BANKERS.

Henry A. Wise, United States District Attorney, will be the principal speaker at the opening meeting of the savings bank section of the New York Chapter of the American Institute of Bankers, which is to be held at the Chapter Assembly Hall, Lexington avenue and 43rd street, tomorrow morning at 10 o'clock. The subject will be "Banks and Bankers." H. E. Tener, president of the Irving Savings Institution, will preside.

CRAGEN INDICTMENT DISMISSED.

Three indictments charging John M. Cragen, Municipal Court justice in Queens, with forgery and grand larceny, which were returned during the graft hunt in that county, were dismissed yesterday by a judge in the Supreme Court. One of the indictments was returned on one of the indictments last spring and acquitted.

BARON ROSEN OFF HOME

Retiring Russian Ambassador to Join Czar's Cabinet.

SUCCESSOR EXPECTED SOON

M. Bakhmetieff May Have Power to Grant Better Treatment for Jews.

Washington, Oct. 2.—Baron Rosen, the retiring Russian Ambassador, left Washington to-night for New York to take ship for Europe on his return to St. Petersburg, where he is to assume the portfolio of Minister for Foreign Affairs. The entire staff of the embassy accompanied the retiring ambassador as far as New York to see him off.

M. Bakhmetieff, Baron Rosen's successor, is expected in Washington within a fortnight. High hopes are entertained by the Jewish element that the new ambassador brings with him powers conferred by his government to open negotiations with the State Department for a revision of the old treaty of 1812 between Russia and the United States which will admit Jews of American birth or Russian Jews naturalized in America to full and unrestricted rights of travel and residence in Russia.

It is said at the State Department that there has been no assurance on this point from the Russian government, which has insisted that the question was one of purely internal economy and that nothing could be done to ameliorate the condition of Jews of foreign birth seeking to enter Russia until the Russian Duma had changed the organic law.

But while this statement is perhaps literally true there is reason to believe that, dependent on the report which Baron Rosen makes to his government when he returns to St. Petersburg, his successor in Washington will be able to enter on negotiations for a revision of the existing treaty, at least in a preliminary manner. There

is a fairly grounded understanding that the imperial council is preparing to make a recommendation to the Duma for a change in the law to meet the desires of the United States and other nations that are seeking better treatment in Russia for their Jewish citizens.

The Russian Embassy in Washington has gone as far as it dared toward recognizing the rights of American Jews to visit Russia, and it has not hesitated to visit passports issued by the State Department to any reputable American Jew who desired to visit Russia to prosecute business. But when it came to a question of residence it was found that the internal laws of Russia prohibited Jews from living outside of certain well defined zones.

When the United States protested that the treaty of 1812 in its first article recognized the right of Americans, regardless of religious tests, to "sojourn and reside in all parts whatsoever of said territories," the Russian government replied that its test was not religious, but racial, and pointed to the American Chinese exclusion legislation as justification for the Russian law excluding persons of the Jewish race, regardless of nationality. That has been the position of the Russian government whenever a case has arisen in recent years involving the exclusion of American Jews.

It is hoped, however, that the coming of the new ambassador will mark the beginning of a change in that long sustained policy. Such a change would eliminate the possibility of action by the American Congress in the direction of abrogating the existing treaty between Russia and America and leaving the two countries in the deplorable situation that certainly would follow a severance of all treaty relations.

JUSTICE KELLOGG RENOMINATED.

Glensville, N. Y., Oct. 2.—Supreme Court Justice Joseph A. Kellogg, of Glens Falls, was nominated by the Democrats of the 4th Judicial District unanimously this afternoon to succeed himself at the convention held in Schenectady. Justice Kellogg was recently appointed to fill out the unexpired term of the late Justice E. A. Spencer, of this city.

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ACCUSES BROKER OF THEFT

Physician Says He Paid for Stock, but Didn't Get It.

Henry B. Goetichus, of the brokerage firm of Goetichus & Co., with offices at No. 29 Broadway, living at No. 225 West 108th street, was locked up yesterday in the Greenwich street police station on a charge of grand larceny. The complainant is Dr. Roger Power O'Neill, of No. 210 St. Nicholas avenue.

According to the police, Goetichus advertised that he would buy any stock desired and sell it to purchasers on the installment plan. One of the customers was Dr. O'Neill. On February 21, it is alleged, he asked Goetichus to buy for him 200 shares in Goldfield Consolidated, and at different times paid in \$550 for the stock. Then the physician was informed that, with the dividend, he had, in all, coming to him \$770.71. He was told also that he could pay up the balance of \$660 and buy the stock outright any time that he desired, according to the doctor's story.

This, the physician charged, he did, but that Goetichus never delivered the stock, putting O'Neill off from time to time.

SALOON MAN WINS AGAIN

Excise Commissioner Refuses to Withdraw License from Green.

The Gramercy Neighborhood Association met another setback yesterday in its fight against the Union Hotel, at Third avenue and 15th street. Last Thursday Charles Green, the proprietor, charged with running a disorderly house, was acquitted in Special Sessions, and Patrick F. McGowan, chairman of the association, made a protest to Excise Commissioner McAvoy against the renewal of the hotel's liquor license.

Commissioner McAvoy explained that his power over licenses was confined to the consideration of the affidavits and bonds furnished by applicants. Mr. McGowan was told that the courts were his only recourse. Mr. McGowan said last night that application had been made to District Attorney Whitman for a transcript of the

FORTUNE TO ADOPTED CHILD

Will of Mrs. Olea Bull Vaughn Leaves Estate of \$500,000.

Alfred, Me., Oct. 2.—The will of Mrs. Olea Bull Vaughn, daughter of the Norwegian violinist, Ole Bull, was filed to-day with Judge Hobbs, of the York County Probate Court.

The bulk of the estate, which is believed to be worth \$500,000, is bequeathed to Sylvia Bull Vaughn, a minor, adopted daughter of Mrs. Vaughn, Dorothy Shapleigh and David Miller, two children who had been under Mrs. Vaughn's care, received the sum of \$25,000 each.

Bequests of \$30,000 each were made to Miss Amelia Shapleigh, of West Lebanon, Me., a lifelong friend of Mrs. Vaughn, and her brother, William C. Shapleigh. Miss Shapleigh also received all the land and buildings of the testatrix, at Elliot, Me.

To the "Ole Bull Fund Committee," of Bergen, Norway, is left a sum yielding an annual income of \$20,000, for the purpose of preserving, maintaining and making improvements on Lyseon, Norway, the home of Ole Bull.

Mrs. Vaughn's death, on July 18, came just six hours before the time set for the court to ratify the terms of settlement reached in the now famous contest made by Mrs. Vaughn against the will of her mother, Mrs. Ole Bull. Under the terms of Mrs. Bull's will the bulk of the estate was left to Hindu mystics. The court hearings, at Alfred, Me., disclosed sensational facts regarding Mrs. Bull's manner of living and her religious views, and the representatives of the will finally offered a compromise before the court was called upon to decide the matter. The compromise left virtually the entire estate to Mrs. Vaughn.

RIOTING FOR CHEAPER FOOD.

Warsaw, Russian Poland, Oct. 2.—There was a "cheaper food" riot directed against the Jews in the suburbs of the city to-day. Three Jews and two Christians were wounded. The police quickly restored order.

DOUGHERTY TO TELL AT TRIAL.

Deputy Police Commissioner Dougherty, whose name has been brought into the suit for \$250,000 that David Russell, of Montreal, has instituted against the Pinkerton Detective Agency, said yesterday that his side of the matter would be brought out when he testified during the coming week at the trial.

"If there has been any conspiring, it has been on the other side," said the Commissioner. "I will tell my story on the stand."

KILLED HERSELF WHILE INSANE.

London, Oct. 2.—A verdict of suicide by gas poisoning while the victim was of unsound mind was returned at the inquest to-day into the death here of Mrs. Jean Haswell, an American vaudeville actress, whose body was found in her apartment Saturday night.

LINER REFUGE FOR BIRDS

Blown Out to Sea, They Roost on Incoming Ship.

The Anchor liner Caledonia, which arrived here yesterday from Glasgow, proved to be a welcome roost for many weary land birds driven seaward by the stiff north-westerly gales that blew off Nantucket on Sunday.

It was said that there were four varieties of birds blown out to the liner, but the majority of them were sparrows. Hunger and exhaustion made them forget fear, and birds that were naturally wild and timid picked crumbs from the hands of passengers.

A child on the forward deck playing with a toy bear was an attraction for a hungry hawk that had been battling with the sea for several miles. The half-finished bird swooped down upon the deck and tried to make away with the toy bear. Disgusted with its inability to lift its prey, the hawk flew to the north and was soon beyond the range of human eyes. Many of the New England sparrows remained on the Caledonia until she came off Sandy Hook, and then flew toward the Highlands.

Among the passengers on the Caledonia were Thomas L. James, former Postmaster General; Dr. E. N. Dowton, Mr. and Mrs. John Moleworth, Quinton Bone and Mr. and Mrs. Tabor Sears.



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